

VZCZCXYZ0003
OO RUEHWEB

DE RUEHRB #2475/01 3471008
ZNY CCCCC ZZH (CCY ADX6DA8DA MSI4229-623)
O 131008Z DEC 05
FM AMEMBASSY RABAT
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2259
INFO RUEHAS/AMEMBASSY ALGIERS PRIORITY 3599
RUEHHE/AMEMBASSY HELSINKI PRIORITY 0093
RUEHLO/AMEMBASSY LONDON PRIORITY 2681
RUEHMD/AMEMBASSY MADRID PRIORITY 5279
RUEHMK/AMEMBASSY NOUAKCHOTT PRIORITY 2889
RUEHNY/AMEMBASSY OSLO PRIORITY 0174
RUEHFR/AMEMBASSY PARIS PRIORITY 3907
RUEHSM/AMEMBASSY STOCKHOLM PRIORITY 0197
RUEHCL/AMCONSUL CASABLANCA PRIORITY 0960
RHEHNSC/NSC WASHINGTON DC PRIORITY
RUEHGV/USMISSION GENEVA PRIORITY 0901
RUCNDT/USMISSION USUN NEW YORK PRIORITY 0404

C O N F I D E N T I A L RABAT 002475

SIPDIS

SIPDIS

STATE FOR NEA/MAG, EUR

C O R R E C T E D COPY - CAPTION ADDED

E.O. 12958: DECL: 06/30/2010
TAGS: [AG](#) [MO](#) [PBTS](#) [PGOV](#) [PHUM](#) [PREL](#)
SUBJECT: WESTERN SAHARA: GOM DEFENDS ITS ACTIONS

REF: A. STATE 209648
 1B. RABAT 22312
 1C. RABAT 2407
 1D. RABAT 2425
 1E. RABAT 2363
 1F. RABAT 1052

Classified By: Ambassador Thomas T. Riley for Reasons 1.4 (b) and (d)

1. (C) Summary: During a December 1 meeting with the Ambassador, Deputy FM Fassi Fihri defended recent Moroccan actions in the Western Sahara, stressing that the GOM was responding appropriately to violent acts by demonstrators. He fended off any suggestion that demonstrators were rounded up merely for expressing their views. He reaffirmed that an investigation was on-going into the death of Hamid Lembarki, and appropriate action would be taken against those responsible for his death, citing the arrest already of two police officers. He put much of the blame for the current unrest in the Sahara squarely at the feet of Algeria and the Polisario; they were deliberately inciting the population as part of a broader policy of non-cooperation with Morocco driven by Morocco's refusal to acknowledge the legitimacy of the Baker Plan. Fassi Fihri said he had seen new Algerian Ambassador Larbi Belkheir on several occasions but was reserving judgement on whether Belkheir had really come to Rabat to engage with the GOM. He said the GOM welcomed a visit to the Sahara by the OHCHR, provided it was not a commission of inquiry and provided the delegation also stopped in Algiers and Tindouf. The GOM, he said, would also work to reschedule the aborted visit by Nordic countries to the Western Sahara, under certain conditions. Ambassador stressed the importance of outside visitors being able to make accurate assessments of the situation, even if the picture was not perfect. End Summary.

2. (C) As instructed Ref A, Ambassador met with Minister Delegate for Foreign Affairs Taieb Fassi Fihri on December 1 to discuss the human rights situation in the Western Sahara. (Fassi Fihri's intensive travel schedule did not permit an earlier meeting; as a result, DCM raised US concerns with MFA Americas Director Tazi and MFA Bilateral Affairs Director Amrani in separate meetings. See Refs B and C). Ambassador was accompanied by Polcouns and Econoff, while Fassi Fihri

was joined by MFA SecGen Omar Hilali and MFA Director of Multilateral Affairs Mohamed Loulichki. Other issues covered in the 90-minute meeting were the Free Trade Agreement (Ref D), the King's December visit to Japan, and the visit to Morocco of Mauritanian President Ould Vall (septels). Ambassador noted that a number of events had taken place recently focusing attention on human rights in the Western Sahara -- the death of Hamdi Lembarki, hearings on Capitol Hill, an aborted Nordic diplomatic visit, and potentially an upcoming mission from the UN High Commissioner for Human Rights -- and there was a sense that things were worse in the territory in terms of human rights. It was difficult to get an accurate picture of the situation.

13. (C) Fassi Fihri said the situation was not as delicate as some made it out to be. Recent events in the Western Sahara needed to be seen in a global context. Algerian President Bouteflika had told Spanish FM Moratinos recently and in very clear terms that Algeria refused to cooperate with Morocco as long as the King refused to recognize the international legitimacy of the Baker Plan. Bouteflika told Moratinos he would go to Barcelona (for the ten-year anniversary of the Barcelona Process) but, erroneously thinking that King Mohammed would be there, "would say nothing to the Moroccans." The Algerian position was pretty clear: maintain the status quo. In the Algerian view, progress in Moroccan-Algerian relations was tied to the Baker Plan.

14. (C) Ambassador noted that he had the chance to greet new Algerian Ambassador to Morocco Larbi Belkheir, and he had the impression Belkheir wanted to see progress in relations with Morocco. Fassi Fihri said he had met with Belkheir on a few occasions since his arrival, and he was hearing that Belkheir was planning to stay only for a year. Ambassador interjected that Belkheir perhaps wanted to see what he could do in one year. Fassi Fihri wondered how Belkheir would define success; did Algeria plan to open the border with Morocco? Normalize relations with Morocco? Revitalize the Arab Maghreb Union? Those were common ambitions between the two countries, and if that's what Belkheir wanted to work toward, relations would go forward. Morocco was willing to separate out the Western Sahara from other bilateral issues. Morocco was ready to work with Belkheir. Speaking on behalf of King Mohammed, Fassi Fihri said he had told Belkheir that his success in Rabat would be Morocco's success. But Algeria places conditions on dialogue, Fassi Fihri said, by still insisting on the Baker Plan. This approach creates problems.

15. (C) Fassi Fihri said there was a second area of concern: Algeria's support for a Sahrawi republic. That "republic" now has a "territory" -- the east side of the berm. This is a new development, which Fassi Fihri noted the GOM has raised with the US previously as a concern. The Polisario does not refer to this area as "liberated territory;" rather, they refer to the west side of the berm as "occupied territory." There was a big celebration in BirLahlou (in the northeastern corner of the Western Sahara) to mark the independence of the territory.

GOM Response is Appropriate

16. (C) Fassi Fihri continued that problems arose in the Western Sahara in part because of Morocco's own internal evolution and promotion of democracy. The Polisario has sought to take advantage of the situation by calling on people -- especially women and children -- to agitate. When people resorted to violence, as had happened in the last month, there had to be a judicial process in response. Throughout the many demonstrations that had occurred in recent months, the authorities had intervened only when public order was disturbed -- when protesters threw molotov cocktails, for example. The GOM does not routinely put demonstrators in prison, Fassi Fihri insisted, but the organizers might be detained. If there is violence, there must be a proportionate reaction.

17. (C) The death of Hamdi Lembarki was under investigation, Fassi Fihri said. The GOM was not hiding those responsible

for his death. Frankly it was not always easy to apply the law evenly; sometimes it was bad for morale among the police.

There were two policemen in detention for the killing of Lembarki, and the investigation into the circumstances of his death was proceeding. The GOM was careful about applying the law; Morocco could not be a model of democracy in the north and a dictatorship in the south. The situation in the south (Western Sahara) was complicated by the Baker Plan, Algeria,

and the Polisario. The security forces had to act when there was violence.

18. (C) Fassi Fihri turned to leading Sahrawi activist Ali Salem Tamek, claiming that in Barcelona recently Tamek had called on the Sahrawis to take up arms in the Sahara. Yet Tamek benefitted from full legal protection, not only in the north but in the south. Tamek claimed to be in prison simply because he is an activist. But no, Fassi Fihri said: Tamek is operating in a context of violence. The GOM does not round up hundreds of people -- just the perpetrators. Tamek has lawyers and enjoys the full protection of the law. Tamek has said if there is no referendum, he advocates violence. He has said so publicly. Other Sahrawis were in prison not for political activism but for committing violence; they went beyond simply calling for self-determination. Such actions necessitated a reaction from the GOM.

19. (C) In the last two weeks, Fassi Fihri continued, there were aggressive actions by some people who have lived in the territory for many years. When they reacted aggressively, we responded in a similar manner. The GOM respects the rules of the game. We need to react when there is a flag burning. We try to maintain a balance. If someone is killed, there is an investigation and prosecution.

Nordic Visit -----

10. (C) Turning to the aborted Nordic visit to Laayoune (Ref C), Fassi Fihri said he had spoken recently to the Swedish FM about the situation. The FM asked why the GOM authorized contacts in the Western Sahara for some diplomats (comment: likely referring to the US) but not for the Nordic countries?

Fassi Fihri said the Norwegian Ambassador in Rabat had requested meetings with people in jail (comment: Nordic diplomats in Rabat, including Norwegian Ambassador Aasheim, have consistently maintained that they never requested to see anyone in prison). Fassi Fihri said he told the Swedish FM he was ready to take another look at the Nordic visit, but there needed to be agreement on its terms. He had asked MFA Director Loulichki to meet with the Nordic ambassadors to discuss rescheduling the visit (comment: the meeting took place on December 5. The Nordics are currently planning to make their Sahara visit in late January 2006, the earliest the diplomats from Norway, Sweden, and Finland are all available).

OHCHR -----

11. (C) Fassi Fihri said that Loulichki and MFA SYG Hilali had met recently with the Office of the High Commissioner for Human Rights (OHCHR) in Geneva to plan their visit. Fassi Fihri stressed the GOM accepted OHCHR's visit, but the framework needed to be clear. It was not a commission of inquiry. The visit had to include stops in Algiers and Tindouf and not simply Morocco. Hilali said the GOM understood the OHCHR would also look at the issue of violations against our "detainees" in Tindouf. When the OHCHR scheduled the Morocco stop, however, they suddenly dropped Algiers from the itinerary. The OHCHR needed to respect its regional commitments and make all three stops. The visit now appeared to be back on track for the January/February timeframe.

12. (C) Fassi Fihri added that over the years no one listened to Morocco's presentation on human rights violations in Tindouf. There should be an international census to

determine the population in Tindouf, and the international community should investigate the diversion of humanitarian aid. There were people in the camps who had spent as many as ten years in Algerian prison, only to be detained by the Polisario. The Ambassador added that the US supported the conducting of a census in the camps. Fassi Fihri said that had been Morocco's demand for 30 years, but Algeria still refused. Hilali commented that OHCHR Commissioner Louise Arbour told him that she regretted that her institution had never reacted to the Moroccan concerns about Tindouf. Morocco was ready to work with her.

¶13. (C) The Ambassador noted that there was a great deal of contradictory information circulating about the situation in the Western Sahara. It was important to have independent observers assess the situation there, even to visit prisons. The Ambassador said the more such observers see, the better. There was a feeling that no one was being allowed to see the situation and report on it accurately. Visitors might say the situation was not perfect, but it was important that outsiders be allowed to make assessments. Fassi Fihri said unfortunately Algeria and the Polisario communicate better than the GOM. They distribute photos alleging various abuses, even though the photos are doctored. For Morocco's part, the Equity and Reconciliation Commission had announced the discovery of mass grave in the Sahara, something the GOM had acknowledged publicly.

GOM Ready for a Solution

¶14. (C) Fassi Fihri closed by stressing that the US should know that Morocco remained ready for a solution to the Western Sahara conflict, including a solution based on regional autonomy. Morocco had presented a paper on that. King Mohammed had recently called for consultations with political parties on the Sahara. A process was underway. What more could Morocco do? Algeria took advantage of the people of the Western Sahara, especially the youth, yet Algeria was under no pressure to make a deal. Furthermore, the GOA refuses a census. Algeria in the meantime exploits the immigration issue to Morocco's disadvantage. A Spanish journalist had recently visited migration camps in northwestern Algeria and found them well-organized by nationality, essentially run by mafias. No one talks about that, Fassi Fihri said. Algeria continues to pursue a conflict over a territory that has no phosphates, no oil, and no minerals. All the Western Sahara has in terms of resources is fish. (As outlined in Ref F, the economy of the Western Sahara is based almost entirely on fishing for export, which employs two-thirds of the workforce, along with small bits of mining, agriculture, and tourism. Phosphates in the territory represent less than two percent of national reserves, and the industry employs only about 1900 people). Taking a parting shot at the Spanish, Fassi Fihri said the Spanish were the worst colonizers in the world; they left nothing behind when they pulled out -- no electricity, no development. And Polisario leader Abdelaziz called on countries not to invest in the Western Sahara. Loulichki noted the Polisario had recently threatened Kerr McGee.

CBMs

¶15. (C) As the meeting broke up, Loulichki noted his satisfaction that family visit flights had resumed as part of the CBM package negotiated with UNHCR.

Riley